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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,129	04/01/2004	Jerome Tomlin	TOMLIN-2	9623

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EXAMINER

MATHEW, FENN C

ART UNIT	PAPER NUMBER
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3764

DATE MAILED: 12/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/816,129	TOMLIN, JEROME	
	<b>Examiner</b>	<b>Art Unit</b>	
	Fenn C. Mathew	3764	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 September 2006.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2,5-13 and 15-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2,5-13 and 15-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08/26/2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the zippers must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

Art Unit: 3764

2. Applicant is advised that should claim 5 be found allowable, claim 12 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 6 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The specification fails to disclose an embodiment including a fastening strap and zippers as substantially claimed. Appropriate correction is required.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 2 and 5-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter

Art Unit: 3764

which applicant regards as the invention. In claim 8, the term "or some similarly dense material" is vague and indefinite.

7. In claim 10, Applicant has claimed a forearm securement strap with the weight positioned between the forearm securement strap and the glove section. Examiner is unclear as to whether Applicant is attempting to claim all the weight positioned between the strap and the glove section. Appropriate clarification is required. (Examiner notes that if Applicant intends for all the weight to be positioned between the strap and glove section, such a limitation is not supported by the specification).

8. In claims 2, 5-6, and 12 the term "said wrist...section[]" lacks positive antecedent basis. Examiner notes that the specification cites two section: a glove section, and a forearm section. Examiner presumes for examination that the wrist and forearm section are one in the same.

### ***Claim Rejections - 35 USC § 102***

9. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

10. Claims 2, 8-9, 11, 13, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Groves et al. (U.S. 5,683,335). Referring to claim 8, as broadly claimed, Groves discloses an unweighted glove section (22), a forearm section, the glove and forearm section comprising pliable members, weight integrated with the forearm section, the weight comprising a plurality of lead shot, wherein the weight encircles the wrist of the user, and a securement band capable of extending around at least a portion of the

Art Unit: 3764

weight. Referring to claim 2, as best understood, Grove discloses, the weight attached to the forearm section by a pocket located contiguous to the forearm section. Referring to claim 9, Groves teaches a flexible strap capable of extending around a portion of the weight. Referring to claim 11, Groves teaches the forearm section extending over less than half of the forearm of a user. Referring to claim 13 and 15, note the rejections above, as the claims are similar in scope.

***Claim Rejections - 35 USC § 103***

11. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

12. Claims 5, 10, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Groves. Groves teaches the claimed invention, and in another embodiment teaches the desirability of having a second strap. Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to provide a second fastening strap as taught in other embodiments of Groves in order to better secure the device.

13. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Groves in view of Jackson, Jr. (3,759,510). Groves teaches the claimed invention except for gloves having closed ended finger receiving members. Jackson, Jr. teaches the desirability of providing a glove with closed ended finger receiving members. In view of the teachings of Jackson, Jr. it would have been obvious to provide the Groves device with closed ends on the finger receiving member in order to protect the fingertips of the user.

Art Unit: 3764

14. Claims 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Groves in view of Winston (U.S. 4,966,635). Groves teaches the claimed invention as noted in the rejections of claims 2, 5, and 7-13 above. Groves fails to teach a plurality of flexible chambers. Winston teaches the desirability of providing chambers for a wrist engaging weight. In view of the teachings of Winston, it would have been obvious to one of ordinary skill in the art at the time of invention to provide a plurality of chambers encircling the wrist in order to evenly distribute granular weight around the wrist.

### ***Response to Arguments***

15. Applicant's arguments with respect to claims 2, 5-13, and 15-20 have been considered but are moot in view of the new ground(s) of rejection. Note rejections above. Examiner respectfully suggest a careful review of the claim limitations provided, as well as the specification and drawings in order to ensure compliance under 35 U.S.C. 112.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fenn C. Mathew whose telephone number is (571) 272-4978. The examiner can normally be reached on Monday - Friday 9:00am - 5:30pm.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3764

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



F.C. Mathew  
December 11, 2006